

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-against-

DANIEL MCGANN,

Defendants.

No. 00-CR-390 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

The Court is in receipt of Petitioner Daniel McGann's ("Petitioner") pro se motion to seal his criminal conviction in the above-captioned case, (dkt. no. 166.).¹ For the reasons set forth below, the motion is DENIED.

In Doe v. United States, the Court of Appeals held that district courts lack subject matter jurisdiction to seal records of valid criminal convictions absent specific statutory authority. 833 F.3d 192, 196 (2d Cir. 2016). The Court further held that a district court may not exercise ancillary jurisdiction to seal a conviction on equitable grounds. Id. at 198-99.

Petitioner does not challenge the validity of his conviction, nor does he identify any statute authorizing its sealing. While the Court is sympathetic to Petitioner's circumstances and mindful

¹ Petitioner improperly filed a New York State application for sealing. Because Petitioner is before the Court pro se, the Court will construe this motion liberally and as raising the strongest argument it suggests. See Bertin v. United States, 478 F.3d 489, 491 (2d Cir. 2007).

of the more than 20 years that have passed since his conviction, the Court of Appeals' decision in Doe compels the denial of Petitioner's motion.

For the foregoing reasons, Petitioner's motion is DENIED. The Clerk of the Court is respectfully directed to close dkt. no. 166.

SO ORDERED.

Dated: June 9, 2025
New York, New York



LORETTA A. PRESKA
Senior United States District Judge